

LAND USE/SEPA DECISION APPEAL FORM

ADDITIONAL COMMENTS IN RESPONSE TO QUESTIONS ON APPEAL FORM

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Appeal Information:

1. Your interest in this decision? (State how you are affected by it.)

Formed in 1994, Thornton Creek Alliance (TCA) is an all-volunteer group of over 150 members. Our goal is to benefit the Thornton Creek watershed by encouraging individuals, groups, schools, businesses, and government to work together in addressing the environmental restoration of the creek system through education, collaboration, and community involvement.

Because of shortcomings in the Director's decision and its supporting information, we are filing this appeal.

It appears that in accommodating the need for increased density in the Northgate Urban Center, the City is prepared to add thousands of residents and vehicles to the Eighth Ave. NE greenway, a narrow, side-walk free street, without planning for the increased need for pedestrian/bicyclist safety, disability access, openspace, and openspace access.

Abutting the greenway, just southeast of the planned Northgate Modera, lies Beaver Pond Natural Area, the largest park in the Northgate Urban Center. The SE corner of the Modera lies in the creek riparian management zone.

Further, some of our members are Green Seattle Forest Stewards who collectively have spent thousands of hours in hands-on restoration at Beaver Pond Natural Area (BPNA) and other natural areas along Thornton Creek.

As it stands, the Director's lack of consideration for the ecological and social services provided by the seven-acre BPNA will have negative repercussions for the creek, the habitat, and public access for decades to come.

2. Specify your objections to the decision:

The Director's Decision fails to account for several considerations for meeting significance thresholds under SEPA, as listed by the Washington Dept. of Ecology SEPA Handbook, Section 2.6, Assess Significance. These are reproduced here, and the ensuing information in this appeal outlines why those shortfalls are important.

- Are the permit application(s) and environmental checklist accurate and complete?

The environmental checklist is neither accurate nor complete.

- Is the project consistent with the local critical area ordinances, development regulations, and comprehensive plan?

The planned development includes a number of inconsistencies with the Northgate portion of the 2020 Seattle Comprehensive Plan

- Is the proposal consistent with other local, state, and federal regulations (such as those governed by regional air authorities, health districts, and state natural resource agencies)?

It has failed to take into account effects on salmonid species listed as threatened under the Federal Endangered Species Act.

- What are the likely adverse environmental impacts of the proposal? Have the reasonable concerns of tribes, other agencies, and the public been met?

Concerns of the public regarding increases in traffic and parking issues along 8th Ave. NE, along with secondary environmental impacts, have not been addressed. The applicant denies that the proposal would have adverse transportation impacts. This also is a cumulative impact issue given the other proposals to increase residential density along this stretch of 8th Ave. NE.

- Is the applicant willing to change the proposal to eliminate or reduce the likely adverse environmental impacts of the proposal?

We have not seen evidence that the applicant would change the proposal to eliminate or reduce traffic impacts and thus reduce resulting environmental impacts.

- Are there additional environmental impacts that have not been mitigated? Are there possible mitigation measures that could be required using SEPA substantive authority to mitigate those impacts?

Impacts to water quality from street runoff are not addressed. Impacts to wildlife from enhanced risk of vehicle-related mortality are not addressed. Impacts to public access to Beaver Pond Natural Area, especially for the disabled, are not addressed.

- Are there likely significant adverse environmental impacts that have not been mitigated to a nonsignificant level?

We view the above impacts as likely significant, especially the proximal traffic and parking impacts.

These shortcomings point toward the need for further analysis and mitigation of adverse impacts, and very likely exceedance of a threshold for significance, triggering preparation of an Environmental Impact Statement (EIS). The following sections provide more detailed information about our concerns.

TRAFFIC AND PARKING

Street management is not generally among TCA's direct concerns. However, it is important to our environmental concerns in this case. It is the main proximal impact of the planned developments along this narrow stretch of 8th Ave. NE. That is, the expected large increase in traffic and parking where such problems already exist, is the source of our concerns. The issues we have identified concerning watershed, wetland, wildlife and creek protection, and access to Beaver Pond Natural Area (BPNA) stem secondarily from traffic and parking impacts of the proposed development and others like it along 8th Ave. NE, and are addressed more fully further down in this document, under Environmental and Related Concerns. Related to that are issues about pedestrian and ADA access to BPNA, also treated under Environmental and Related Concerns.

The Decision falls short in that, while it cites Design Review Board site and design guidance (Priorities & Board Recommendations 2.a. [Pedestrian Connections, Connectivity...]) to clarify and further analyze pedestrian connectivity, it appears that no mandate or clear path to an outcome or mitigation is provided. The Decision over-burdens the narrow 30' wide greenway, with no sidewalks, by adding more vehicle traffic and parking than it can safely or reasonably support. Pedestrian and wheelchair access are also impacted. According to SDOT, there is no plan or budget for sidewalks on this street. This is a likely significant impact requiring an EIS.

In the City's push for density, planners must keep in mind that one size will not fit every situation. North of 85th St. in Seattle, residential areas typically have no sidewalks. Adding parking fees in multi-family buildings may help keep rents lower, but it also invites tenants to cruise the neighborhoods looking for street parking in the rights-of-way (ROWs).

This is why the 8th Ave. NE greenway already has its ROWs packed with vehicles. New projects have nice setbacks and sidewalks, but the adjacent ROWs are packed, and the pedestrians walk in the street.

The Decision does not respond effectively to public comment concerns about over-burdening the greenway. The greenway is never mentioned in the Decision, not in the discussion of pedestrian connections and not in the "Open Space, Connectivity, and Street-Level Interaction" section. "Bikeway" is used once in reference to public comment.

Pedestrian safety is discussed in 2. c. Garage Entry Sequence, but useful solutions for the greenway are not there, and what happens to safety when the sidewalk ends just south of the property is also omitted.

There is a reference to the Northgate Supplemental Guidance, "PL2-II-iii. Control Speed/Volume: Emphasize pedestrian and bicycle safety, in part by controlling vehicle traffic speeds and managing volumes;...". Traffic speeds will obviously be controlled by the unmanageably large volumes of vehicles, but this will do nothing for soft-user safety.

It seems the Director considered only the sidewalks and setbacks for the Modera, and the spill-over effects on the greenway, natural area, and neighborhood are of little consequence.

The transportation impacts alone are directly and cumulatively significant, directly and cumulatively, and should be enough to put this project on hold until an Environmental Impact Statement is developed,

and a solution is found to the impacts of permitting and encouraging the over-burdening of this greenway with motor-vehicle traffic.

CITY POLICIES IGNORED

The lack of direct consideration for the greenway causes the Decision to fail to comply with five of the six hallmarks of SDOT's greenway planning. <https://www.seattle.gov/transportation/projects-andprograms/programs/greenways-program/northgate> (SDCI omissions are in red.) According to SDOT, "Seattle is building a network of neighborhood greenways. Neighborhood greenways are safer, calm residential streets for you, your family and neighbors. On streets with low car volumes and speeds a greenway can:

- Improve safety
- Help people cross busy streets
- Discourage cars from using neighborhood streets to avoid main streets
- Protect the residential character of our neighborhoods
- Keep speeds low
- Get people to where they want to go like parks, schools, shops and restaurants"

Already, due to recently completed multi-family projects in the neighborhood, there is no safe space for pedestrians or the handicapped to navigate this part of 8th Ave. NE. On-street parking, coupled with lack of sidewalks, squeezes people into the street.

Instead of discouraging drivers from using the greenway, this Decision requires it. The greenspace/greenway character of the neighborhood is lost on drivers and on pedestrians dodging traffic. SDOT has now installed a speed hump so, speeds will certainly remain low on this street already often clogged with vehicular traffic.

To their credit, SDOT has also installed some 'No Parking' signs. These help with traffic flow and turning radii, but do nothing for pedestrian safety or park access.

The following City goal as expressed by the Seattle Office of Sustainability and Environment (OSE) is not acknowledged: "As our city continues to grow, protecting and enhancing our urban forest and green spaces remains a key priority in order to ensure the benefits of our natural assets are enjoyed by all Seattle residents." <https://www.seattle.gov/environment/environmental-progress/trees-and-green-space>

The Director's Decision fails to account for transportation policy promulgated in Seattle Municipal Code (SMC) 25.05.675.R., which addresses adverse impacts of excessive traffic, and calls for analysis and mitigation of such impacts.

Additionally, the fact that the Decision does not address anticipated increased traffic load represents multiple inconsistencies with the 2020 Seattle Comprehensive Plan. http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattlesComprehensivePlan/CouncilAdopted2020_NeighborhoodPlanning.pdf See Access to Open Space, p. 139 and ff., and several of the Northgate sections of the Plan. Relevant Comprehensive Plan provisions for Northgate are listed as follows, with italics added for emphasis. No mitigating conditions to address these policies are provided in the Director's Decision.

Field Code Changed

Land Use and Housing Policies

NG-P2 Use land use regulation to cause new development to locate close to transit stops and *provide good pedestrian and bicycle connections throughout the area so that intra-area vehicular trips and locally generated traffic are reduced.*

The anticipated increases in traffic and parking demand on 8th Ave. NE are in direct opposition to this policy. The Director's Decision does not provide mitigating conditions.

NG-P7 *Reduce conflicts between activities and promote a compatible relationship between different scales of development* by maintaining a transition between zones where significantly different intensities of development are allowed.

The new Modera development would conflict with bicycle, pedestrian and handicapped use of the greenway, where no sidewalks exist. The proposed building is in close proximity to BPNA, an important greenspace along the south fork of Thornton Creek that is maintained as wildlife habitat and for passive public use. The Decision acknowledges BPNA, but not the needed transition between it and the new development.

NG-P8.5 Support future potential rezones to higher-intensity designations in the North Core Subarea. In considering such rezones, *pay particular attention to the development of an environment that creates a network of pedestrian connections and that encourages pedestrian activity, among other considerations associated with a rezone review.*

The anticipated increase in traffic would clash with use of the greenway by pedestrians, handicapped users, and cyclists, a fact not addressed in the Director's Decision.

Transportation Policies

NG-P9 Promote the efficiency of the transportation system by *accommodating more person trips rather than vehicle trips.*

Vehicle trips will clearly increase along 8th Ave. NE with the proposed development, and the Director's decision does not address that.

NG-P11 *Promote pedestrian circulation with an improved street-level environment by striving to create pedestrian connections that are safe, interesting, and pleasant.*

The result of this and other new developments in the immediate vicinity will have the opposite effect from this policy. The Decision is not conditioned to do this.

NG-P13 *Seek to reduce the impact of increases in traffic volume by limiting conflicts with local access streets, and improving traffic flow, circulation and safety, without increasing vehicular capacity.*

Vehicle capacity on this stretch of 8th Ave. NE is already stretched badly, and no improvements can be met by what is proposed, and approved in the Director's Decision.

ENVIRONMENTAL AND RELATED CONCERNS

There is an unnamed tributary to the south fork of Thornton Creek which flows out from under pavement at the southeast corner of the proposed development, courses downhill (south) to where it is culverted under 8th Ave. NE to enter the BPNA wetland north of NE 105th St. It has been assessed by SPU to have good water quality for an urban watercourse. Nothing in the decision offers information

concerning stewardship of this tributary, which has been observed to host threespine stickleback, a small fish species.

BPNA is not mentioned by name until p. 35 when it helps provide the rationale for not requiring ground floor commercial uses in the project. Shadow and drainage impacts are discussed later on, but in this document it never receives consideration as the community asset that it is.

Because of the very limited means for terrestrial wildlife to move back and forth across 8th Ave. NE to access different parts of BPNA, animals are forced to cross the street, and have been killed by traffic. More traffic would logically lead to more vehicle-related wildlife deaths. This is unacceptable and must be further documented and mitigated. Traffic reduction and speed control would help.

The Decision analysis downplays important elements of the Site and Vicinity. For example, it states, “Mature trees and landscaping lend a natural transition to the Thornton Creek...”, but it never mentions the actual park (Beaver Pond Natural Area), a stone’s throw away and where those trees are standing.

The Decision is inconsistent with the 2020 Seattle Comprehensive Plan Drainage Policy for Northgate, which is as follows:

Drainage Policy

NG-P16 Promote reduction of potential runoff into Thornton Creek, and encourage restoration of the creek to enhance aquatic habitat and absorb more runoff.

The Decision does not necessarily result in reduced runoff. It acknowledges public call for use of roof drainage for graywater in the building, and for pervious surface, but it provides no conditions mandating such features.

The Decision ignores this City goal as expressed by the Seattle Office of Sustainability and Environment (OSE), “As our city continues to grow, protecting and enhancing our urban forest and green spaces remains a key priority in order to ensure the benefits of our natural assets are enjoyed by all Seattle residents.” <https://www.seattle.gov/environment/environmental-progress/trees-and-green-space>

There is no safe space for pedestrians, and no safe way for the handicapped to visit and enjoy the greenspace. Part of the reason that we have parks and greenspaces is for public use and enjoyment. The traffic and parking issues strongly impede public use and access to BPNA along 8th Ave. NE, especially for handicapped residents.

Cumulative Impacts

The proposed Modera project and others along 8th Ave. NE will rely heavily on that street for ingress and egress. For the reasons outlined above concerning street use and the secondary impacts it entails, the SEPA checklist has not adequately considered cumulative impacts of these developments, in contravention of SMC 25.05.670, Cumulative Effects Policy. SMC 25.05.670.B.1.a. specifically calls for assessment of streets and parking among other things. SMC 25.05.670.B.1.c. calls for an assessment of “The capacity of natural systems-such as air, water, light, and land-to absorb the direct and

reasonably anticipated indirect impacts of the proposal;...” For these reasons, more detailed SEPA analysis—an Environmental Impact Statement—is warranted.

Other specific shortcomings under SEPA

The SDCI-annotated SEPA checklist dated December 2016 raises the following issues:

- B.3.A.1. Omits mention of the unnamed perennial tributary that exits from under the pavement at the southeast corner of the Modera site, flows south along the west side of the street, then crosses under it in a culvert which exits into the wetland in BPNA. SDCI annotation does call it out as Trib J. SPU has assessed the water quality in this tributary as very good for an urban setting. It has been observed to host fish such as threespine stickleback.
- B.4.c. Threatened Puget Sound Chinook salmon and threatened Puget Sound steelhead are historic inhabitants of Thornton Creek, and are targets of restoration efforts on the part of the City and other entities. For purposes of SEPA, they should be regarded as present nearby.
- B.5.a. Salmon are historic inhabitants of Thornton Creek, and are targets of restoration efforts on the part of the City and other entities. For purposes of SEPA, they should be regarded as present nearby.
- B.5.b. See comment for 4.c.
- B.5.e. Norway rats can be listed with good confidence as present in urban areas.
- B.14.h. Annotation asserts a net total of 481 daily vehicle trips, with 21 net new PM peak hour trips and 34 AM peak hour trips. This leaves 426 net nonpeak trips, which seems like a very large proportion of the total. Is it correct?

Question 3: Specify what you want the Examiner to do:

When making land use changes of this magnitude, it is important to plan carefully for the ripple effects of the influx of 409 housing units on a narrow greenway with ECAs on both sides and no sidewalks.

The fact is that several blocks of safe passage for pedestrians, including the handicapped, and bicyclists are needed on public property, and this is not possible without public investment. Assuming this matter is beyond the scope of this hearing:

- Please require an EIS to accurately assess all current conditions and the cumulative impacts of this project. Help ensure this project is built to house people, protect public safety, and also preserve natural and community resources.

Taming traffic hazards on the greenway will enhance the value of all the nearby projects. Based on projections from new housing proposals researched and provided to SDCI by Katherine Landolt, a local resident, 2,770 new and existing apartments will have immediate access to the greenway by 2025. Using the statistic that 1.2 individuals per unit will be living in them, as it is now planned, that's 3324 people who will be using the narrow greenway to walk, bike, and drive, *and* have the all-but-invisible BPNA as their closest park. It is crucial to keep the Modera traffic off the greenway and send it to 5th Ave. NE and/or NE Northgate Way.

- Please add a condition that, in order to move forward, the developer must work with the property owners immediately north and/or west to obtain rights to use existing or newly created connectors. Another option, since Seattle has a dire need of affordable housing in the urban centers, in exchange for Mill Creek Residential including some low-income apartments in this building, which it does not now include, the City could purchase rights to the needed connectors.

Conclusion:

The map below (Figure 1) is from the 2013 Northgate Urban Design Framework, p. 19:

<https://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/NorthgateStationAreaPlanning/CopyofNorthgateUDFFinal.pdf>.

It shows that for many years SDOT has planned, based on community input, that Eighth Ave. NE would be a greenway, and the super blocks between NE Northgate Way and NE 106th St. would be broken up with east-west connectors that would help keep vehicles off the greenway and facilitate pedestrian movement. Why is this planning now being ignored?

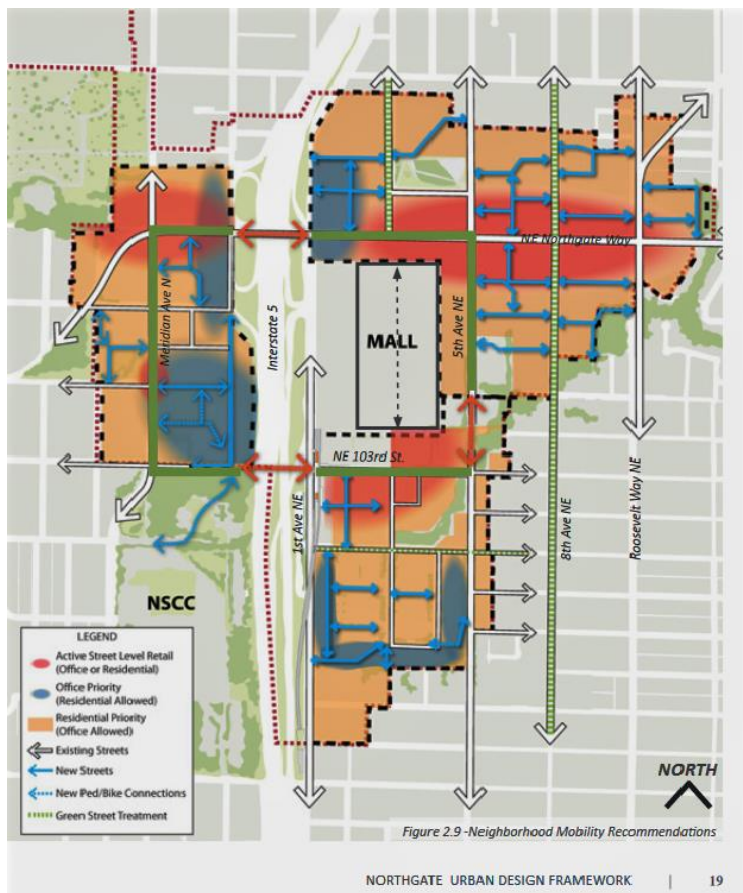


Figure 1. Planned traffic flow purposes and directions, including planned greenway on 8th Ave. NE in project vicinity.

BPNA consists of a very interesting reach of the south fork of Thornton Creek where, because of years-long restoration efforts, beavers moved into about a decade ago. They have built dams, stick lodges, and bank lodges. Their first pond having silted up, they moved a bit downstream (north) in the park. The section along Eighth Ave. NE is a wetland/stream complex and a confluence for Thornton Creek and the small side streams that merge here.

BPNA, at nearly seven acres, is the largest park in Northgate Urban Center and home to a wide variety of wildlife, including wood ducks, barred owls, pileated woodpeckers, and much more. The City of Seattle has spent millions of dollars restoring the habitat and eco-functions of this site. Thornton Creek is historic home to multiple species of salmon, including threatened Puget Sound Chinook salmon and threatened Puget Sound steelhead. These species and other salmonids are the objects of considerable effort and expense toward habitat restoration by the City and several other interests, including Thornton Creek Alliance and other community members. Thus, the fact that they may not currently use the immediate project vicinity is not a reason to dismiss their presence in these deliberations. Human-caused impacts do propagate downstream in watersheds, and Chinook have been recently documented in habitat restored by Seattle Public Utilities at Meadowbrook.

BPNA is also valuable as an upstream area from SPU's Meadowbrook Pond. Besides the creek and wetlands, there are the forested buffer zones, parts of which have been lovingly restored by volunteers, with support from City agencies. The best street views of the beavers are generally on the greenway, near the intersection of Eighth Ave. NE and NE 105th St.

A natural area bordered by creeklets must not be hemmed in by vehicles, but given some space for people to enjoy it.

The largest park in the Northgate Urban Center must not be simply relegated to buffering between various land uses, but rather should be built up as a focal point and a source of community pride.

The following photos show a partial representation of fish and wildlife observed in Beaver Pond Natural Area, as well as community volunteers who have made it one of their priorities to give their time and effort for the integrity of this important location in the Thornton Creek watershed.

A Beaver Pond Natural Area Album



